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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ARCON SOLUTIONS, LLC,

Plaintiff, Counter-Defendant

-against-

EAST 29<sup>th</sup> STREET, LLC, and  
ESPAIS PROMOCIONS IMMOBILARIES EPI,  
S.A.,

Defendants, Counter-claimants,

-against-

MICHAEL FALKE and MARK GEMIGNANI,

Additional Counter-Defendants.

**NOTICE OF COUNTER-  
DEFENDANTS FALKE AND  
GEMIGNANI'S MOTION TO  
DISMISS COUNTERCLAIMS**

08 CV 02050 (RMB)

**Please Take Notice** that upon the annexed Declarations of Michael Falke and Mark Gemignani, dated June 23, 2008 and the accompanying Memorandum of Law, Counter-

Defendants Michael Falke and Mark Gemignani will move this Court before the Honorable Richard M. Berman, United States District Judge, at the Courthouse, 500 Pearl Street, New York, New York on July 14, 2008 at 9:30 a.m. or as soon thereafter as counsel can be heard, for an Order pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6) dismissing Defendants/Counter-Claimants East 29<sup>th</sup> Street, LLC and Espais Promocions Immobiliaries EPI, S.A.'s Counterclaims against Michael Falke and Mark Gemignani.

Date: June 23, 2008

ZARCO EINHORN SALKOWSKI & BRITO, P.A.

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